

Response to Office Action dated November 23, 2005  
Application No. 10/602,622  
Attorney Docket No. FSF-031381

### REMARKS

By the present amendment, claim 1 has been amended. Claims 1-10 and 13-20 are currently pending in the present patent application.

Claims 1-9 were rejected under 35 U.S.C. 102(e) as being anticipated by US 2003/0224307 to Yamamoto et al. Certified translations of priority documents for the present application (2002-232,959 and 2003-42,974) are being submitted; thus the effective filing date is earlier than the 102(e) date of the Yamamoto reference.

Therefore it is respectfully requested that this rejection be withdrawn.

Claims 1-9 were provisionally rejected for obviousness-type double patenting as being unpatentable over claims 1-6 of copending application 10/412,214. A terminal disclaimer accompanies this response in order to expedite prosecution.

Therefore, it is respectfully requested that this rejection be withdrawn.

Claims 1-9 were rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of U.S. Patent No. 5,952,167 to Okada, U.S. Patent No. 6,482,483 to Ikari, U.S. Patent No. 4,332,889 to Siga and U.S. Patent No. 5,998,126 to Toya. This rejection is respectfully traversed. Claim 1 has been amended to recite the amounts of the compounds of Formula H and Formula 1 used in the photothermographic material of the present invention. It is respectfully submitted that these ranges are not taught or

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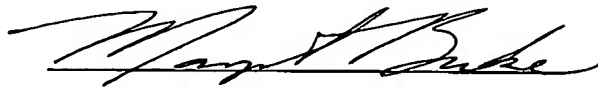
suggested by the above combination of references. Further, as shown in the currently attached Declaration under 37 C.F.R. 1.132, the combination of the silver halide emulsion, the mercapto hetero-ring compound and the hetero-ring polyhalogen compound of the present invention produce unexpectedly superior results in fogging and printout performance while maintaining high sensitivity. Therefore, it is respectfully requested that this rejection be withdrawn.

Claims 10 and 13-20 were rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,376,167 to Ito. This rejection is respectfully traversed. The 1.132 Declaration shows that samples containing metal pairs in accordance with the present invention exhibit unexpectedly superior printout performance, sensitivity and low fogging during storage. Therefore it is respectfully requested that this rejection be withdrawn.

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In view of the foregoing Amendment and Remarks and accompanying  
Declaration, it is submitted that the pending claims are in condition for allowance.  
Early and favorable action is respectfully requested.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Margaret Burke", written in a cursive style.

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